

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.: 24-cv-21786-JB/EGT

HALSTRBRISON, LLC,

Plaintiff,

v.

SOUTHEAST OVERTOWN/PARK WEST
COMMUNITY REDEVELOPMENT
AGENCY, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

THIS CAUSE was referred to the Honorable Edwin G. Torres, United States Magistrate Judge, for a Report and Recommendation on Defendant, the City of Miami's (the "City"), Motion to Dismiss Count V of Plaintiff, Halstrbrison LLC's ("Halstrbrison") Amended Complaint, ECF No. [24] ("City's Motion"), and Defendant, Southeast Overtown/Park West Community Redevelopment Agency's ("Southeast Overtown"), Motion to Dismiss Count V of Halstrbrison's Amended Complaint, ECF No. [21], ("Southeast Overtown's Motion," together, the "Motions"). After due consideration of the administrative record and the Motions, including Halstrbrison's Responses to the Motions, ECF Nos. [27] and [26], the City and Southeast Overtown's Replies, ECF Nos. [36] and [35], and being otherwise fully advised on the matter, Magistrate Judge Torres entered a Report and Recommendation on the City's Motion, ECF No. [49], recommending that the City's Motion be granted, and a Report and Recommendation on Southeast Overtown's Motion, ECF No. [50], recommending that the City's Motion be Denied as moot. *See* ECF Nos. [49] and [50]. Halstrbrison filed an objection to each


Report and Recommendation (the “Objections”), ECF Nos. [52] and [53], to which Southeast Overtown and the City each responded, ECF Nos. [56] and [58].

This Court has a duty to “make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). It also may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* The Court, having conducted a *de novo* review of the record and the issues presented in Plaintiff’s Objections, adopts Magistrate Judge Torres’ Recommendations that the City’s Motion to Dismiss Count V of Halstrbrison’s Amended Complaint be granted, and that Southeast Overtown’s Motion to Dismiss Count V of Halstrbrison’s Amended Complaint be denied as moot.

Accordingly, after careful consideration, it is hereby **ORDERED AND ADJUDGED** that:

1. Halstrbrison’s Objections, ECF Nos. [52] and [53], are **OVERRULED**.
2. United States Magistrate Judge Torres’ Report and Recommendations, ECF Nos. [49] and [50], are **AFFIRMED AND ADOPTED**.
3. The City’s Motion to Dismiss Count V of Halstrbrison’s Amended Complaint, ECF No. [24], is **GRANTED WITHOUT PREJUDICE**.
4. Southeast Overtown’s Motion to Dismiss Count V of Halstrbrison’s Amended Complaint, ECF No. [21], is **DENIED AS MOOT**.

DONE AND ORDERED in Miami, Florida, this 27 day of March, 2025.



JACQUELINE BECERRA
UNITED STATES DISTRICT JUDGE